

GROUND RULES FOR NEGOTIATIONS

Between Region 5 of the United States Environmental Protection Agency,

And the American Federation of Government Employees, Local 704

RE: MOVE OF GROSSE ILE, MI OFFICE TO ANN ARBOR, MI OFFICE

The American Federation of Government Employees (AFGE) Local 704 (AFGE Local 704 or the Union) and Region 5 of the United States Environmental Protection Agency (the Agency), are the Parties to this ground rules agreement, which will govern the bargaining process concerning procedures and appropriate arrangements for the implementation of the move of the Region 5 staff in Grosse Ile, MI, to the EPA facility in Ann Arbor, MI proposed by management to the Union on August 31, 2017.

I. COMPOSITION OF NEGOTIATING TEAM

- A. The Union and Management Teams shall consist of four (4) members each. All members of the Union Team shall be on official time. The Union negotiating team may consist of four members of AFGE National or District Offices. The Union and the Agency will exchange the names of their chief negotiators and negotiating team, no later than two (2) days prior to the first date of negotiations.
- B. Guests may attend negotiating sessions by mutual agreement of the Chief Negotiators. No more than one guest from each party may attend. The parties shall bear travel costs and assume all related costs for their respective guest.
- C. Union negotiators will be allowed use up to 100% of official time during the time they would otherwise be in duty status for all aspects of the negotiations, including but not limited to: arbitrations; at-the-table negotiations; binding arbitrations; caucuses; ground rules negotiations; impasse proceedings; mediation; negotiability appeals; preparation and review of proposals; travel time; and preparation, filing or responding to Unfair Labor Practice ("ULP") charges.¹ The activities must be connected with the negotiations. All other official time will be granted per MCBA Article 6 and the Federal Service Labor-Management Relations Statute.

¹ The language "up to 100% of official time" is not meant to restrict the usage of official time. Rather, it provides flexibility for emergencies pertaining to the mission and goal of the Agency.

II. TERMS AND CONDITIONS

- A. The Parties agree to approach the negotiations with a sincere resolve to reach a Memorandum of Agreement (MOA) regarding procedures and appropriate arrangements relative to the move of the Region 5 Large Lake Research Station (LLRS) in Grosse Ile, MI staff to the National Vehicle and Fuel Emissions Laboratory in Ann Arbor, MI proposed by management to the Union on August 31, 2017. The Parties agree to meet at reasonable times as frequently as may be necessary, and to avoid unnecessary delays.
- B. The parties agree to exchange proposals by email attachment between the chief negotiators or designee. All proposals and/or counter proposals will be exchanged within two weeks of receipt by either party to avoid unnecessary delays. Proposals will be discussed telephonically and/or in person, face-to-face, when possible. Electronic copies may be provided after discussions of a proposal are complete.
- C. If face-to-face negotiations are conducted, the Agency will make all necessary arrangements for conference and caucus rooms for face-to-face negotiations. The locations, days and times must be acceptable to both Chief Negotiators. The Chief Negotiators for the Agency and the Union must be notified of these arrangements at least three (3) work days in advance of the proposed location, day and time of the negotiating session. The parties shall bear travel costs for their respective team members.
- D. The Agency shall not implement the move of the Region 5 staff in Grosse Ile, MI to the EPA facility in Ann Arbor, MI prior to or during bargaining, during impasse if a party has invoked impasse resolution procedures, or pending the decision of a negotiability appeal unless the Agency can demonstrate implementation is required for the necessary functioning of the Agency.
- E. Nothing in these ground rules constitutes a waiver of management's or the Union's rights under the Statute (5 U.S.C. Chapter 71), or any other law, regulation or rule.
- F. By agreeing to these ground rules, neither management nor the Union is precluded from taking such other actions, including but not limited to filing a grievance, negotiability appeal or an ULP, or any combination thereof, if either party believes that the other party has either exceeded its authority or has committed a violation of applicable portions of the MCBA, the Statute, and government-wide rules and regulations in effect at the time of this agreement.

III. SCHEDULE OF NEGOTIATIONS

- A. The Union agrees to submit to the Agency negotiable appropriate arrangements or procedures proposals concerning the move of the Region 5 staff in Grosse Il, MI to the EPA facility in Ann Arbor, MI within fifteen (15) days of the joint execution of this ground rules MOU. Within fifteen (15) days of the receipt of the Union's procedures and appropriate arrangements proposals, the Agency agrees that it will respond to those proposals in writing.
- B. Negotiation will commence upon reaching agreement on these ground rules.
- C. The parties agree to engage in telephonic and/or face-to-face, when possible, negotiating sessions to be conducted on dates, times and places agreed upon by the chief negotiators.

IV. CONDUCT OF NEGOTIATIONS

- A. Each Chief Negotiator shall "come to the table" with full authority to make decisions and commitments for their respective party regarding these negotiations, subject only to Agency Head Review. Only the Chief Negotiators are authorized to commit their negotiating teams to agreement on a proposal.
- B. Only the Chief Negotiator, or designee, is authorized to commit their negotiating team to agreement on a proposal. Prior to negotiations, negotiation teams, including chief negotiators, will be identified and sent to the other party through e-mail. Substitutions (including chief negotiators) may be made by notifying the other party through e-mail.
- C. The Chief Negotiator for each party may speak at her or his discretion. The other negotiators will only speak when recognized by their Chief Negotiator.
- D. Either Chief Negotiator may call a recess in the negotiating sessions at any time. The time for resuming negotiations will be mutually agreed upon by the Chief Negotiators.
- E. Either party may call for a caucus at any time without the consent of the other party. However, the caucusing party will make every effort to keep the non-caucusing party abreast of the anticipated resumption of negotiations. When a Party elects to caucus, the caucusing party will withdraw to another room if negotiation is being performed face-to-face, if telephonically, the caucusing party will inform the other party when to connect back in conference to resume negotiations.

- F. Negotiation disputes, including questions of negotiability and resolution of impasses, will be processed in a manner consistent with 5 U.S.C. Chapter 71 and implementing regulations. This will not serve as a bar to the Parties concluding by mutual consent a general agreement on those items which have been or remain to be negotiated.

V. ISSUES OF NEGOTIABILITY

- A. Negotiability disputes shall be handled in accordance with law and appropriate regulation. Any matter in which a declaration of non-negotiability has been issued is severed from negotiations. If the provision is later found to be negotiable, the term agreement shall be reopened solely to permit negotiation on the provision in question.
- B. If, as a result of the Agency Head Review, a proposal or section of a proposal is disapproved due to failure to comply with applicable law or regulations, the parties will return to the negotiation table to negotiate over the proposal or section of the proposal within thirty (30) calendar days of the Agency's notification.
- C. This ground rules agreement shall remain in effect while the Parties are negotiating the move of the Region 5 staff in Grosse Il, MI to the EPA facility in Ann Arbor, MI or all remaining proposals have been declared non-negotiable.
- D. The Agency agrees that, to the extent portions of the Union's proposals or counter proposals involve bargaining subjects not related to the move of the Region 5 staff in Grosse Il, MI to the EPA facility in Ann Arbor, MI, the Agency agrees to consider such subjects if required by the MCBA, Statute or other agreement, if applicable. This ground rules agreement is limited to the move of the Region 5 staff in Grosse Il, MI to the EPA facility in Ann Arbor, MI.

VI. MEETING MINUTES

- A. A formal verbatim transcript of the meetings and sessions will not be maintained. The parties will not use recording devices at any sessions.

VII. IMPASSE PROCEDURE

- A. Either party may request the assistance of the Federal Mediation and Conciliation Service (FMCS) to reach an agreement through mediation.

- B. After the conclusion of the mediation effort, should mediation not be successful in resolving all outstanding issues, the parties may utilize the statutory procedure. Either party has thirty (30) calendar days from a declaration of impasse to petition the Impasses Panel for review.

VIII. CONCLUSION OF NEGOTIATIONS

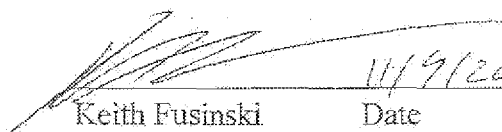
This agreement on ground rules will be effective on the date it is signed by the last party, subject to Agency Head Review.

IX. SIGNATURE AND AGREEMENT

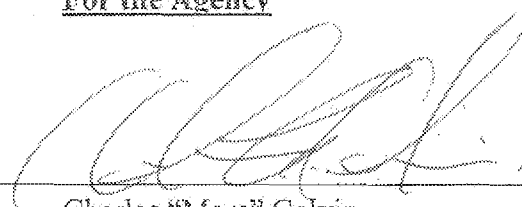
The parties agree to the Ground Rules as written above.

For the Union

For the Agency


Keith Fusinski
Chief Negotiator
AFGE Local 704

11/9/2017
Date


Charles "Marc" Colvin
Chief Negotiator
U.S. EPA Region 5

11/9/17
Date

